

## Message Text

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ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 ACDA-07 AGR-05 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00

EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07

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R 141750Z APR 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 6883

INFO AMEMBASSY JAKARTA

AMEMBASSY NASSAU

AMEMBASSY MANILA

C O N F I D E N T I A L USUN 1564

FROM US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS - ARCHIPELAGIC ISSUES

1. THERE IS REASON TO BELIEVE INDONESIA AND THE PHILIPPINES ARE BECOMING TROUBLED BY INABILITY TO MOVE CONFERENCE AND ITS LEADERSHIP AWAY FROM EXISTING SINGLE NEGOTIATING TEXT (SNT) ARTICLES. BAHAMAS HAVE CIRCULATED AN ARCHIPELAGIC POSITION PAPER TO ALL DELEGATIONS WHICH SEEMS TO HAVE HAD MEANINGFUL IMPACT, ESPECIALLY ON COMMITTEE TWO BUREAU, WHICH SUPPORTS SNT.

2. TEXT OF BAHAMIAN PAPER FOLLOWS: QTE

THE PERMANENT MISSION OF THE COMMONWEALTH OF THE BAHAMAS  
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PRESENTS ITS COMPLIMENTS TO THE PERMANENT MISSIONS OF OTHER

STATES OF THE SEA, AND HAS THE HONOR TO INVITE ATTENTION TO  
PART II OF PART VII OF THE SINGLE NEGOTIATING TEXT,  
ARTICLES 117-131 INCLUSIVE OF THE SAID TEXT.

IT IS THE VIEW OF THE GOVERNMENT OF THE COMMONWEALTH  
OF THE BAHAMAS THAT THE PRINCIPLE EXPRESSED IN THESE  
ARTICLES WHICH ALLOWS FOR THE DRAWING OF ARCHIPELAGIC  
BASELINES TO DELIMIT THE NATIONAL FRONTIERS OF A POLITICAL,  
SOCIAL, ECONOMIC, HISTORIC AND GEOGRAPHICAL ENTITY OUGHT  
BE ENSHRINED IN THE NEW CONVENTION ON THE LAW OF THE SEA.

ACCORDINGLY, THE GOVERNMENT OF THE COMMONWEALTH OF  
THE BAHAMAS HAS THE HONOR TO REQUEST THE ESTEEMED SUPPORT  
OF THE GOVERNMENTS OF PARTICIPATING STATES IN PRINCIPLE  
FOR THE CODIFICATION IN THE NEW LAW OF THE SEA TREATY OF  
PROVISIONS IN THAT TREATY THAT SHALL PERMIT MID-OCEANIC  
ARCHIPELAGIC STATES TO BE TREATED AS A UNITARY ENTITY.

THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS  
WISHES TO NOTE THE GUARANTEES FOR INTERNATIONAL NAVIGATION  
AND OVERFLIGHT CONTAINED IN THESE AND SIMILAR ARTICLES  
AND TO ASSURE THE GOVERNMENTS OF PARTICIPATING STATES  
OF ITS CONTINUED SUPPORT FOR SUCH GUARANTEES AS AN INTEGRAL  
PART OF THE NEW LAW OF THE SEA TREATY.

AS WILL BE RECALLED, THE LEGITIMATE CONCERNS OF MID-  
OCEANIC ARCHIPELAGIC STATES HAVE SO FAR BEEN LEFT IN THE  
REALM OF UNCERTAINTY BY PREVIOUS CONFERENCES ON THE LAW OF  
THE SEA. IT IS THE FIRM CONVICTION OF THE GOVERNMENT OF  
THE COMMONWEALTH OF THE BAHAMAS THAT THIS OMISSION IN  
THE EXISTING TEXTS OF TREATY LAW ON THE LAW OF THE SEA  
SHOULD BE CORRECTED BY THIS CONFERENCE.

WITHIN THE CONTEXT OF THE CONCENSUS FORMULA ADOPTED  
FOR COMMITTEE PROCEDURE WHICH WOULD CONNOTE APPROVAL OF  
THE PROVISIONS OF THE SINGLE NEGOTIATING TEXT PART II  
AS ENUMERATED AT PART VII ARTICLES 117-131 INCLUSIVE,  
THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS HAS  
THE FURTHER HONOR TO REQUEST THE ESTEEMED SUPPORT OF THE  
GOVERNMENTS OF PARTICIPATING STATES FOR THE PRINCIPLES  
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EXPRESSED IN SAID ARTICLES, SUBJECT ONLY TO ANY AMEND-  
MENTS WHICH DO NOT ALTER THE SUBSTANCE OF SAID ARTICLES  
OR AMENDMENTS WHICH MAY BE CONSEQUENTIAL ONLY AS A RESULT  
OF AMENDMENTS WHICH MAY BE MADE IN OTHER PARTS OF THE  
PROPOSED TREATY. IN PARTICULAR THE GOVERNMENT OF THE  
COMMONWEALTH OF THE BAHAMAS SEEKS THE CONCURRENCE OF THE  
GOVERNMENTS OF PARTICIPATING STATES WITH THE FORMULA FOR  
THE DRAWING OF ARCHIPELAGIC BASELINES AS OUTLINED IN

ARTICLE 118 AND SUB PARAGRAPHS OF THIS ARTICLE.

THE PERMANENT MISSION OF THE COMMONWEALTH OF THE BAHAMAS TAKES THIS OPPORTUNITY TO RENEW TO THE PERMANENT MISSIONS OF OTHER STATES PARTICIPATING IN THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA, THE ASSURANCES OF ITS HIGHEST CONSIDERATION. UNQTE

3. RESPONSE OF ARCHIPELAGIC GROUP HAS BEEN TO TRY AND FOLD BAHAMAS INTO THEIR GROUP, THIS IN CONTRAST TO THEIR POSITION UP TO NOW THAT BAHAMAS WERE NOT WELCOME. INDONESIANS APPROACHED GEORGE STEWART OF BAHAMAS LAST WEEK, SUGGESTING HE JOIN THEM FOR DISCUSSIONS ON HOW TO ALTER TEXT. STEWART STATED HE HAD NO INSTRUCTIONS TO JOIN AND THAT BAHAMAS FELT EXISTING TEXT WAS A BALANCED ONE, AS EVIDENCED BY THEIR CIRCULATED PAPER. PRIVATELY, STEWART HAS INDICATED TO US DEL THAT THEY PREFER TO STAY OUTSIDE THE INDONESIAN GROUP IN ORDER TO KEEP FREEDOM OF ACTION TO ACHIEVE AN ACCEPTABLE ARCHIPELAGIC SECTION. THEY MAY, HOWEVER, COMMENCE SITTING IN ON SOME MEETINGS.

4. SEEMS APPARENT THAT ARCHIPELAGIC STATES CONTINUE TO BE SPLIT ON PASSAGE ARTICLES WITH PHILIPPINES REMAINING AT THE FAR EXTREME. WE HAVE ASKED FOR A MEETING WITH PHILIPPINES TO DISCUSS MUTUAL CONCERNS AND WILL REPORT RESULTS BY SEPTEL.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, TEXT, DOCUMENTS, LAW OF THE SEA, ARCHIPELAGOS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 14 APR 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976USUNN01564  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760142-0436  
**From:** USUN NEW YORK  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760460/aaaabzdc.tel  
**Line Count:** 142  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION DLOS  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 14 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <14 MAY 2004 by ShawDG>; APPROVED <17 MAY 2004 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS - ARCHIPELAGIC ISSUES  
**TAGS:** PLOS, PFOR, ID, RP, BF, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006